

## **REMARKS**

This Amendment and Response amends the Specification and claims 1, 6, 19 and 22 and cancels claims 2, 4 and 5 without prejudice. With this Amendment and Response, claims 1, 3 and 6-24 are pending in this application. A petition for a time extension and check for the extension period in the amount of \$55.00 is enclosed. No further fees are due; however, the Patent Office is authorized to debit deposit account 11-0855 if it determines otherwise.

### **I.      OBJECTIONS TO THE DRAWINGS**

The Action objects to Figure 2 because it is a black and white photograph which poorly depicts the instant invention and its application, specifically, the mounting to a golf cart frame. A proposed drawing correction for Figure 2 is submitted behind Tab A. The substitution of Figure 2 does not constitute new matter because new Figure 2 is merely a clearer depiction of the same matter, submitted only to overcome the Action's objection.

### **II.     OBJECTIONS TO THE SPECIFICATION**

The Action objects to the use of the trademark VELCRO™ in the application and in claim 19, stating that it should be capitalized wherever it appears and be accompanied by the generic terminology.

Applicant has amended the specification at p. 11, paragraph 2, and claim 19 by inserting the ™ symbol after the word "Velcro" and has further added the generic terminology "hook and loop." Applicant believes that these amendments overcome the Examiner's objections and respectfully requests withdrawal thereof.

### III. REJECTIONS UNDER 35 USC §102

#### A. Thompson

Claims 1-4, 6 and 7 were rejected under 35 U.S.C. §102(b) as being anticipated by Thompson. Claims 2 and 4 have been cancelled thereby rendering their rejections moot. Applicant respectfully traverses the rejections to claims 1, 3, 6 and 7 and asks that they be withdrawn.

The Action likens the wagon-top of Thompson to the present invention and provides that the functional recitations in the claims referencing the invention's use as a golf cart cover are given little patentable weight because they fail to add any structural limitations. Applicant submits that this rejection is unfounded because the wagon-top cited against the application could not perform the intended use of the invention- to cover the rear portion of a golf cart.

In an effort to further the prosecution of the application, however, Applicant has amended claim 1 to include the limitation that the horizontal portion of the stationary frame member mounts to the support frame of the golf cart. This feature is neither anticipated, nor rendered obvious, by Thompson. For at least this reason, amended claim 1, and claims 3, 6 and 7 which depend from claim 1, are not anticipated by Thompson.

#### B. Tucker

Claims 1-7, 15 and 18 were rejected under §102(e) as being anticipated by Tucker. Claims 2, 4 and 5 have been cancelled thereby rendering their rejections moot. Applicant respectfully traverses the rejections to claims 1, 3, 6-7, 15, and 18 and asks that they be withdrawn.

Claim 1 has been amended to recite that the movable frame member is mounted to the stationary frame member. As filed, claim 15 specifies that the movable frame is connected to the stationary main frame. In contrast, the movable frame members 6, 7, 9 in the golf cart of Tucker are mounted to pivot brackets 13, 14. The pivot brackets are then connected to support bar 15. For at least this reason, amended claims 1, and 15 and claims 6-7 and 18 which depend from claims 1 and 15 are not anticipated by Thompson

#### **IV. REJECTIONS UNDER 35 USC §103**

##### A. Tucker in view of Held

Claims 8-14, 16, 17 and 19-24 were rejected under 35 USC §103(a) as being unpatentable over Tucker in view of Held. The Action rejects claims 8-14, 16, 17 and 19-24 under 35 U.S.C. § 103 as being unpatentable over Tucker in view of Held. Applicants respectfully traverse this rejection and ask that it be withdrawn.

Claims 1 and 22 have been amended to recite that the movable frame member is mounted to the stationary frame member. As filed, claim 15 specifies that the movable frame is connected to the stationary main frame. Claims 8-14, 16-17 and 19-24 are allowable at least because they all depend from allowable claims 1, 15 and 22 and may be allowable for additional reasons.

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